

REMARKS

This paper responds to the Advisory Action mailed on September 03, 2009.

Claims 1, 16, and 20 are amended, no claims are canceled, and claim 21 is added; as a result, claims 1-4, 6-16, and 18-21 remain pending in this application. The amendments are fully supported by the as filed claims and the specification of the application (e.g., at page 12, paragraph 47) and do not add new matter.

Examiner Interview Summary

Applicants would like to thank Examiners Tae Kim and Dan Walsh for the courtesy of a phone interview on September 17, 2009 between the Examiners and Representative Ali Mireshghi. During the interview, the claims and the cited references were discussed and an agreement was reached that the independent claims of the application would be amended to place them in a condition that would be closer to a condition for allowance.

§ 103 Rejection of the Claims

Claims 1-4, 6-8, 16, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer (U.S. 2003/0216969 A1) in view of Horwitz (U.S. 2003/0083964 A1). Applicants respectfully traverse the rejection.

The recent U.S. Supreme Court decision of *KSR v. Teleflex* provides a tripartite test to evaluate obviousness.

A rationale to support a conclusion that a claim would have been obvious is that *all the claimed elements were known in the prior art* and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art.¹ (Emphasis added)

Applicants will show that the cited references, singly or in combination, neither teach nor suggest all limitations of Applicants' independent claims 1, 16, and 20, as currently amended.

¹ KSR International Co. v. Teleflex Inc., 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007)

For at least the reasons set forth below, Applicants respectfully submit that, in light of the amendments, a *prima facie* case of obviousness is not established, the above-identified claims are patentable over Bauer in view of Horwitz, and the claims are therefore in condition for allowance. Applicants believe that with the patentability of the claims is best understood by discussing amended independent method claim 16 as a representative claim.

Independent claim 16, as amended, now reads, in pertinent part:

selecting master data including critical object data related to an object from among the assets;
associating at least one fade out indicator with the selected master data, the at least one fade out indicator to be used to remove the selected master data that are not accessed by a fadeout date,
and
(Emphasis added)

Applicants respectfully submit that Bauer and Horowitz, individually or as part of any combination, do not teach or suggest the above claim elements. Bauer is directed to methods and systems to “collect item information from RFID tags attached to items in an inventory . . . to perform various inventory management processes.”² Bauer in FIG. 2 shows an exemplary environment, which is interpreted by the Final Office Action as the claimed *master data management system*.³ Bauer in paragraphs 0036-0080 gives examples of data objects including “an expiration date of an object.”⁴ Bauer further describes shelf life of items such as perishable products as follows:

A shelf life may be a period of time that an item may be allowed to be included in item inventory 170. For example, perishable products, such as milk, may have a limited period of time that they may be presented on a shelf for sale to a customer. Non-perishable products may also have a limited period of time to be present in inventory 170 based on one or more factors, such as previous sales of items of a similar type, limited promotional time frames, etc.⁵

² Bauer, Abstract

³ Office Action, page 2, and Bauer, [0014]

⁴ Bauer, par. 0055

⁵ Bauer, Para. 0040.

The above-quoted passage from Bauer describes a shelf life of an item that may be a perishable item or of non-perishable products that may also have a limited period of time to be present in inventory. The Final Office Action mischaracterizes this passage by stating:

An indication of an expiration of a useful life of an item (i.e. a shelf life) would, in effect, remove the data indicating a useful life remaining for an item, unless said data was modified before an expiration date (i.e. by fadeout date). One example of said modification would be to extend the promotional time frame for the item (par 0040).⁶

The Final Office Action, in the above quote, attempts to show that Bauer removes data that are not modified by a fadeout date. The Advisory Action gives one example of modification as being “to extend the promotional time frame for the item.”⁷ However, Bauer, in the patent document, does not describe the above claim elements. For example, Bauer is totally silent with respect to the claim elements of “*selecting master data including critical object data related to an object from among the assets*” and “*associating at least one fade out indicator with the selected master data*,” as recited in the amended claim 16.

In addition, the claimed *fade out indicator* is clearly distinct from the shelf life or an expiration date of an object in Bauer. The shelf life and expiration date of an object in Bauer is not used *to remove the selected master data that are not accessed by a fadeout date*, as required by the amended claim 16.

Horwitz does not cure the defect in Bauer. Horwitz provides “a method for tracking each item in a cluster of items.”⁸ Nonetheless, Horwitz does not describe the claim elements that Applicants showed above to be missing from Bauer. Accordingly, at least for the reasons set forth above, Bauer and Horwitz, separately or in combination, fail to teach each and every element of the amended claim 16.

Thus, Applicants respectfully submit that amended independent claim 16 and its dependent claims 18-19, and 21 are not rendered obvious by the combination of Bauer and Horwitz and are in condition for allowance. Further, the dependent claims may be patentable for their own limitations.

⁶ Final Office Action, page 3

⁷ Advisory Action, page 2

⁸ Horwitz, paragraph 0021

Similar arguments as presented with respect to claim 16 are also applicable to independent claims 1 and 20. Thus, at least for similar reasons to those articulated above with regard to claim 16, the proposed combination of Bauer and Horwitz does not render these claims and the dependent claims 2-4, and 6-8 obvious. Accordingly, claims 1, 2-4, 6-8, and 20 are asserted to be in condition for allowance.

Claims 9-10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer modified by Horwitz in view of Nicastro (U.S. 2002/0073114 A1).

Claims 9-10 and 12 are dependent on claim 1. Applicants assert that, for the reasons stated in the prior section, Bauer in view of Horwitz does not teach or suggest all of the claim elements of claim 1; moreover, the Final Office Action's proposed combination with Nicastro does not cure the defect. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection and allowance of dependent claims 9-10 and 12.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer modified by Horwitz in view of Nicastro and further in view of Cesar (U.S. 6,172,596 B1).

Claim 11 is dependent on claim 1. Applicants assert that, for the reasons stated earlier, Bauer in view of Horwitz does not teach or suggest all of the claim elements of claim 1; moreover, the Final Office Action's proposed combination with Nicastro in view of Cesar does not cure the defect. Therefore, Applicants respectfully request withdrawal of the 103(a) rejection and the allowance of dependent claim 11.

Claims 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer modified by Horwitz in view of Nicastro and further in view of Seelinger (U.S. 2002/0087554 A1).

Claims 13-15 are dependent on claim 1. Applicants assert that, for the reasons stated earlier, Bauer in view of Horwitz does not teach or suggest all of the claim elements of claim 1; moreover the Final Office Action's proposed combination with Nicastro in view of Seelinger does not cure the defect. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection and allowance of dependent claims 13-15.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4053 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(408) 278-4053

Date September 29, 2009

By



Ali Miresghhi
Reg. No. 58,726

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of September, 2009.

Dawn R. Shaw

Name

/Dawn R. Shaw/

Signature